

1 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169-5996
 Facsimile (702) 949-8321
 Telephone (702) 949-8320

2
 3 Robert M. Charles Jr. NV State Bar No. 006593
 Email: rcharles@lrlaw.com
 John C. Hinderaker AZ State Bar No. 018024
 Email: jhinderaker@lrlaw.com

4 Attorneys for USACM Liquidating Trust

5
 6 **UNITED STATES BANKRUPTCY COURT**
 7 **DISTRICT OF NEVADA**

8 In re:

9 USA COMMERCIAL MORTGAGE
 10 COMPANY,

11 Debtor.

12 Case No. BK-S-06-10725-LBR

13 CHAPTER 11

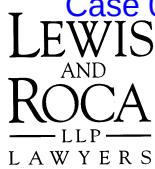
14 **NOTICE OF HEARING RE
 15 OBJECTION OF USACM
 16 LIQUIDATING TRUST TO PROOF
 17 OF CLAIM NO. 10725-01208 IN THE
 18 AMOUNT OF \$1,509,963.55 BY PETE
 19 MONIGHETTI; AND CERTIFICATE
 20 OF SERVICE**

21 Date of Hearing: October 18, 2011
 22 Time of Hearing: 1:30 p.m.

23 **THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT
 24 YOU FILED. THE USACM TRUST SEEKS TO DISALLOW CLAIM
 25 NO. 10725-01208 IN PART.**

26 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
 27 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS
 28 REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN
 29 HINDERAKER (520-629-4430).**

30 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
 31 through its counsel, has filed its Objection to Proof of Claim No. 10725-01208 by Pet
 32 Monighetti (with Certificate of Service) (the “Objection”). The first page of your Proof of
 33 Claim as required by Nevada LR 3007, is attached to the Objection as **Exhibit A**. The



1 USACM Liquidating Trust has requested that this Court enter an order, pursuant to section
 2 502 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the
 3 Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), disallow in part your
 4 Proof of Claim.

5 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
 6 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
 7 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
 8 **October 18, 2011, at the hour of 1:30 p.m.**

9 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
 10 **OCTOBER 18, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
 11 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
 12 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

13 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
 14 response to the objection must be filed and service must be completed no later than
 15 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
 16 facts and any relevant legal authority.

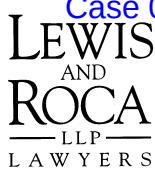
17 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 18 pleading with the Court. You *must* also serve your written response on the person who
 19 sent you this notice.

20 If you do not file a written response with the Court, or if you do not serve your
 21 written response on the person who sent you this notice, then:

22 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
 23 • The Court may *rule against you* and sustain the objection without formally
 24 calling the matter at the hearing.

25

26



1 DATED this 16th day of September, 2011.

2 LEWIS AND ROCA LLP

3

4

By /s/ John Hinderaker (#18024)

5 Robert M. Charles Jr. NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

6 3993 Howard Hughes Parkway, Suite 600

7 Las Vegas, Nevada 89169

Telephone: (702) 949-8200

Facsimile: (702) 949-8398

E-mail: jhinderaker@lrlaw.com

8

9

Attorneys for the USACM Liquidating Trust

10 Copy of the foregoing
mailed by first class postage prepaid on
11 September 16, 2011 to:

12 Pete Monighetti
13 6515 Frankie Lane
14 Prunedale, CA 93907

15 LEWIS AND ROCA LLP

16 /s/Renee L. Creswell
17 Renee L. Creswell

18

19

20

21

22

23

24

25

26